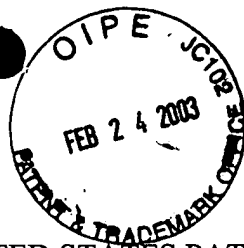


Docket No. CHMP-101D



9200/2856
DA #6
Election
P. Walker
7-11-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth A. Pieroni)
Serial No.: 09/939,405) GROUP ART UNIT: 2856
Filing Date: August 27, 2001) EXAMINER: Charles D. Garber
For: SMOKE AND CLEAN AIR GENERATING)
MACHINE FOR DETECTING THE)
PRESENCE OF LEAKS IN A FLUID)
SYSTEM)

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Box: DAC
Assistant Commissioner of Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

RECEIVED

MAR 18 2003

OFFICE OF THE SPECIAL
PROGRAMS EXAMINER

Dear Sir:

The applicants in the above-identified patent application, through their undersigned attorney, petition the Assistant Commissioner to withdraw the holding of abandonment pursuant to the Notice of Abandonment dated February 6, 2003. This application went abandoned because it is suggested that the undersigned attorney failed to reply to the Office Action dated April 8, 2002.

However, it is the position of the undersigned that the Notice of Abandonment has been issued in error. To this end, the undersigned attorney states that a timely reply was in fact made to the Office Action of April 8, 2002. More particularly, the undersigned stated that on April 19, 2002, he held a telephone conversation with Examiner Garber during which an election was made (in response to a requirement for restriction) to continue the examination herein of Set II (i.e. Claims 19-28).

As evidence of the foregoing, attached hereto is a copy of the telephone log from the office of the undersigned attorney to show a telephone call placed on April 19, 2002 for a total of 1.5 minutes to phone number 703-308-6062 in Alexandria, Virginia. This phone number is that of Examiner Garber. Also attached is a copy of the front of the file jacket maintained by the undersigned attorney for this case. The file jacket bears a notation to memorialize the telephone conversation between the undersigned attorney and Examiner Garber on April 19, 2002.

In view of the foregoing, it is submitted that a timely reply (i.e. Election) was made to the Office Action dated April 8, 2002. Accordingly, it is requested that the holding of abandonment be withdrawn and that this application be returned to the pending files as if no abandonment had occurred.

Although it is believed that no fee is required for this petition, should it be determined that a fee is otherwise necessary, please charge such fee to Deposit Account No. 08-1310.

I hereby declare that all statements made herein of my own knowledge and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Morland C. Fischer 2-14-03
Morland C. Fischer
Attorney for the applicants
2030 Main Street, Suite 1050
Irvine, California 92614
Telephone (949) 476-0600
Facsimile (949) 476-0606

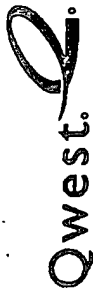
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on 2-14-03

SANDRA LUST MERIZALDE
Name of applicant, assignee or Registered Representative

[Signature]
Signature

FEBRUARY 14, 2003
Date



Outbound Switched Usage (continued)

BARNES, CROSBY, FITZGERALD & ZEMAN 39665364
BARNES, CROSBY, FITZGERALD & ZEMAN 21050405

Calls without Project Code

Date	Time	Called Number	Location	Min:Sec	Charges
4/7/02	10:05p	215-516-3990	PHILA, PA	1:01	\$0.11
4/10/02	11:56a	410-862-8193	BALTIMORE, MD	1:19	0.14
4/12/02	9:13a	925-673-7181	CLAYTON, CA	1:14	0.07
4/12/02	12:06p	410-862-8193	BALTIMORE, MD	.48	0.09
4/12/02	3:32p	559-490-1919	FRESNO, CA	.55	0.06
4/12/02	5:13p	941-952-9770	SARASOTA, FL	2:45	0.30
4/17/02	4:23p	858-581-9359	LA JOLLA, CA	.44	0.04
4/17/02	5:00p	416-926-3337	TORONTO, ON	1:13	0.20
4/19/02	7:43a	216-398-8691	CLEVELAND, OH	.56	0.10
Total calls for 949-623-4721					12 14:50 \$1.50

Calls without Project Code

Date	Time	Called Number	Location	Min:Sec	Charges
3/26/02	10:52a	703-305-9282	ALEXANDRIA, VA	4:19	\$0.47
4/1/02	1:22p	760-535-6516	ESCONDIDO, CA	.40	0.04
4/1/02	1:25p	505-526-6606	LAS CRUCES, NM	1:19	0.14
4/2/02	11:54a	701-839-2672	MINOT, ND	.29	0.05
4/2/02	5:52p	407-833-0063	SANFORD, FL	12:22	1.36
4/3/02	10:13a	760-535-6516	ESCONDIDO, CA	3:00	0.18
4/3/02	10:16a	613-237-6900	OTTAWAHULL, ON	2:17	0.38
4/3/02	10:31a	703-739-2234	ALEXANDRIA, VA	2:18	0.25
4/3/02	6:02p	516-599-3292	LYNBROOK, NY	.40	0.07
4/5/02	10:07a	703-308-9111	ALEXANDRIA, VA	1:14	0.13
4/5/02	10:29a	703-308-3298	ALEXANDRIA, VA	.57	0.10
4/8/02	12:31p	703-305-3165	ALEXANDRIA, VA	1:50	0.20
4/9/02	10:49a	703-415-0351	ALEXANDRIA, VA	.54	0.10
4/9/02	4:45p	916-653-4984	SACRAMENTO, CA	4:18	0.25
4/12/02	5:52p	407-833-0063	SANFORD, FL	4:13	0.46
4/15/02	12:54p	775-841-3306	CARSONCITY, NV	3:28	0.38
4/16/02	9:57a	817-919-7034	ARLINGTON, TX	.37	0.07
4/17/02	5:30p	407-463-8193	WINTERPARK, FL	.45	0.08
4/19/02	10:04a	703-308-6062	ALEXANDRIA, VA	1:30	0.16
4/19/02	10:40a	301-738-1318	ROCKVILLE, MD	.54	0.09
4/19/02	11:51a	817-738-6111	FORT WORTH, TX	9:59	1.10
4/23/02	6:09p	407-833-0063	SANFORD, FL	11:51	1.31



Outbound Switched Usage (continued)

BARNES, CROSBY, FITZGERALD & ZEMAN 39665364
BARNES, CROSBY, FITZGERALD & ZEMAN 21050405

Calls without Project Code

Date	Time	Called Number	Location	Min:Sec	Charges
Total calls for 949-623-4722					22 69:54 \$7.37

Calls without Project Code

Date	Time	Called Number	Location	Min:Sec	Charges
3/28/02	12:00p	702-269-3612	LAS VEGAS, NV	19:05	\$2.10
3/29/02	12:19p	212-458-1864	NEW YORK, NY	.49	0.09
4/1/02	1:12p	619-239-4340	SAN DIEGO, CA	2:32	0.15
4/11/02	10:17a	928-692-9056	E KINGMAN, AZ	2:33	0.28
4/11/02	10:39a	425-204-2628	RENTON, WA	17:49	1.96
4/22/02	2:56p	212-458-1864	NEW YORK, NY	.40	0.07
4/22/02	4:17p	619-239-4340	SAN DIEGO, CA	2:31	0.15
4/23/02	4:14p	928-692-9056	E KINGMAN, AZ	.45	0.09
Total calls for 949-852-1100					8 46:44 \$4.89

Calls without Project Code

Date	Time	Called Number	Location	Min:Sec	Charges
3/25/02	2:06p	619-231-0341	SAN DIEGO, CA	1:05	\$0.06
3/25/02	2:08p	619-515-0288	SAN DIEGO, CA	1:38	0.10
3/26/02	9:47a	216-398-8691	CLEVELAND, OH	.46	0.08
3/26/02	5:11p	510-790-4856	FREMONTNRK, CA	.51	0.05
3/28/02	11:58a	858-453-5021	LA JOLLA, CA	.47	
3/28/02	12:14p	858-453-5021	LA JOLLA, CA	.55	
3/28/02	3:27p	312-807-3619	CHICAGO, IL	1:07	0.12
3/28/02	4:41p	702-294-4190	BOULDER CY, NV	1:32	0.17
3/29/02	10:04a	805-543-6176	SNLSOBISPO, CA	1:53	0.11
3/29/02	2:29p	770-857-2363	ATLANTA NW, GA	1:36	0.17
4/1/02	1:57p	415-348-1974	SAN FRAN, CA	1:37	0.11
4/1/02	2:15p	559-490-1837	FRESNO, CA	.41	0.04
4/2/02	9:16a	770-857-2363	ATLANTA NW, GA	.41	0.07
4/2/02	10:31a	703-326-7000	FAIRFAX, VA	.39	0.07
4/2/02	11:00a	801-451-2972	FARMINGTON, UT	1:25	0.16
4/2/02	4:31p	312-807-3619	CHICAGO, IL	1:05	0.11
4/3/02	10:52a	619-515-0288	SAN DIEGO, CA	.56	0.06
4/3/02	10:53a	619-231-0341	SAN DIEGO, CA	.33	0.03
4/3/02	10:55a	858-558-1881	LA JOLLA, CA	.57	0.06

